



DAN MORALES  
ATTORNEY GENERAL

Office of the Attorney General  
State of Texas

January 24, 1991

Mr. J. Kirk Brown  
General Counsel  
Texas Department of Criminal Justice  
Institutional Division  
P. O. Box 99  
Huntsville, Texas 77342-0099

OR91-053

Dear Mr. Brown:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 9581.

You have received from an inmate a request for his social services and classification files and travel card. You believe that the material requested is excepted from release under section 3(a)(1) of the act. We agree.

Section 3(a)(1) of the act excepts

information deemed confidential by law,  
either Constitutional, statutory, or by  
judicial decision. (Emphasis added.)

Section VII.A.(18) of the Stipulated Modification of Section II,D and Section II,A of the Amended Decree of the Ruiz Amended Decree [hereinafter Stipulated Decree] provides:

No inmate has access to sensitive information, and all sensitive materials are kept inaccessible.

Section I.G of the Stipulated Decree defines "sensitive information to include, inter alia:

A document, record, or information relating to a particular inmate is sensitive if it

(1) relates to his medical, psychiatric, or psychological condition or treatment . . .

(2) relates to his criminal history, current offense, educational attainment, intelligence quotient, trust fund account, social history, known enemies, disciplinary record, next of kin, or home address.

Otherwise it is nonsensitive.

An inmate's medical, psychiatric and psychological files, and all documents filed therein, an inmate's unit and departmental files, and all documents typically filed therein, travel cards, disciplinary reports, incident reports, use of force reports and grievances are sensitive.

We have considered the exception you claimed, specifically section 3(a)(1), and have reviewed the documents at issue. A previous determination of this office, Open Records Decision No. 560 (1990), a copy of which is enclosed, resolves your request. For this reason, you may withhold the requested information.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR91-053.

Yours very truly,



Jim Moellinger  
Assistant Attorney General  
Opinion Committee

JM/le

Ref.: ID# 9581

Enclosure: Open Records Decision No. 560 (1990)

cc: Mr. Michael E. Schneider  
TDCJ #296468 - Goree Unit  
P.O. Box 38  
Huntsville, Texas 77344